

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

DAVID ATKINS,)	
)	Civil Action No.:
Plaintiff,)	
)	_____
v.)	
)	JURY TRIAL DEMANDED
THE HON COMPANY, LLC,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant The HON Company, LLC hereby files this Notice of Removal, removing this action from the Superior Court of Polk County, Georgia to the United States District Court for the Northern District of Georgia, Rome Division. As grounds for this removal, Defendant states as follows:

1. On November 4, 2020, Plaintiff David Atkins filed a Complaint against Defendant in the Superior Court of Polk County, Georgia (the “State Court”), captioned *David Atkins v. The HON Company, LLC*, Civil Action No. SUCV2020000640 (the “Action”). Copies of all process, pleadings, and orders

served on Defendant are attached to this Notice of Removal as Exhibit A as required by 28 U.S.C. § 1446(a).

2. Defendant was served with a copy of the Summons and Complaint on November 6, 2020. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

3. The Complaint in the State Court Action alleges claims of discrimination brought under the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 623(a)(1).

4. This Court possesses original federal question jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as this civil action alleges violations of federal statutes. Pursuant to 28 U.S.C. § 1441(a), “any civil action of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

5. Pursuant to 28 U.S.C. § 1441(a), Defendant has the right to remove this case to the United States District Court for the Northern District of Georgia, Rome Division, which embraces the place where the Action is pending.

6. As required by 28 U.S.C. § 1446(d), Defendant will promptly file a copy of this Notice of Removal with the State Court and serve a copy of this Notice of Removal on Plaintiff.

7. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has stated claims upon which relief may be granted.

WHEREFORE, Defendant respectfully requests that this Court accept jurisdiction over this action, and that this action be placed upon the docket of this Court for further proceedings.

Respectfully submitted, this 4th day of December 2020.

JACKSON LEWIS P.C.

/s/ Tracie Johnson Maurer

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COUNSEL FOR DEFENDANT

CERTIFICATION

In accordance with Civil Local Rules 5.1C and 7.1D, I hereby certify that this document has been prepared in 14 point, Times New Roman Font.

/s/ Tracie Johnson Maurer

Tracie Johnson Maurer

Georgia Bar No. 395670

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2020, I electronically filed the within and foregoing **NOTICE OF REMOVAL** using the Court's NextGen system and served Plaintiff's counsel by depositing a true and correct a copy of same in the U.S. Mail with sufficient postage thereon to reach its destination:

Jason B. Sanker, Esq.
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/s/ Tracie Johnson Maurer
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